

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00049-02 DAE
)	
Plaintiff-Respondent,)	
)	
vs.)	
)	
ANNA AHN MARTIN,)	
)	
Defendant-Petitioner.)	
_____)	

ORDER DENYING PETITIONER'S PETITION FOR
MODIFICATION OF SUPERVISED RELEASE

Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. On January 25, 2008, Petitioner filed a Petition for Modification of Supervised Release. After reviewing the motion and the supporting memorandum, the Court hereby DENIES Petitioner's petition.

Defendant was convicted of Access Device Fraud and Copyright Infringement, based upon her conduct of stealing convenience checks from a mail box and forging an access device check to maintain an automotive loan account. Defendant also, along with her husband and sister, managed a video business that rented pirated videotapes. Defendant was sentenced on October 24, 2005, to 16 months imprisonment followed by three years of supervised release. The Court

additionally ordered restitution of \$29,745.62 to be paid jointly with co-defendant and husband Abraham Martin. Defendant has served her term of imprisonment, and began her term of supervised release on December 21, 2006.

On January 25, 2008, Defendant filed a petition for modification of supervised release. Defendant requests early termination of her term of supervised release pursuant to 18 U.S.C. § 3583(e)(1). Defendant states that her supervised release should be terminated early because she complied with the prison's rules and regulations, she is Catholic and attended mass while in prison, she is a minority-group, and she suffers from diabetes and has seizures.

Although Defendant suffers from diabetes, and has for a number of years, she is not considered disabled as her requests for social security disability benefits have repeatedly been denied. Additionally, a January 5, 2007 letter from Defendant's doctor indicates that Defendant had experienced some diabetic-related problems while incarcerated, but since being released has resumed using an insulin pump, which provides much better control of her blood sugar. The doctor's only request was that Defendant be given a couple of months before being pressured to work so that she could adjust and attend to her medical issues. The probation office has granted this request. The remaining reasons cited by Defendant have no bearing on the length of her supervised release.

Furthermore, Defendant has an outstanding restitution obligation and the probation office needs to be able to continue to assess her ability to pay restitution and ensure that she makes appropriate payments.

For the reasons stated above, the Court DENIES Petitioner's Petition for Modification of Supervised Release.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 25, 2008.





David Alan Ezra
United States District Judge

United States of America vs. Anna Anh Martin, CR. No. 05-00049-02 DAE;
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